

Serial: 154518

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

***IN RE: LOCAL RULES OF THE COUNTY
COURT OF DESOTO COUNTY AND
YOUTH COURT OF DESOTO COUNTY***

ORDER

This matter is before the Court en banc on the motion to adopt local rules for County Court and the Youth Court of DeSoto County. The local rules are attached as Exhibit A. After due consideration, the Court finds that the local rules will promote the fair and efficient administration of justice and that the motion should be granted.

IT IS THEREFORE ORDERED that the motion to adopt local rules for County Court and the Youth Court of DeSoto County is hereby granted.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication as soon as practical in the advance sheets of *Southern Reporter, Third Series (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the 16th day of April, 2009.

/s/ George C. Carlson, Jr.

GEORGE C. CARLSON, JR.,
PRESIDING JUSTICE

TO GRANT: ALL JUSTICES.

Exhibit A

**LOCAL RULES
FOR
COUNTY COURT OF DESOTO COUNTY, MISSISSIPPI
AND
YOUTH COURT OF DESOTO COUNTY, MISSISSIPPI**

RULE 1. DIVISIONS OF COURT

(a) Pursuant to the provisions of § 9-9-18.5, *Mississippi Code Annotated*, the undersigned, as County Judge who has been for the longest time continuously a judge of the Court, does hereby divide the duties and responsibilities of the County Court and Youth Court of DeSoto County, Mississippi as follows:

- (1) There is hereby created a Youth Court Division within the County Court of DeSoto County, Mississippi, and the Judge serving in Place Two referred to in the aforementioned statute shall, effective January 1, 2009, and thereafter until changed by further order of this Court, serve as the Judge of the Youth Court Division, and all duties and responsibilities related in any way to the Youth Court Act and any other laws affecting children within the jurisdiction of the Act (except those specifically retained by the Judge serving in Place One) shall be handled by said Judge of Place Two.

Additionally, this Judge shall have the primary responsibility for hearing *Petitions for Protection from Domestic Abuse* pursuant to §§ 93-21-1, *et seq.*; extradition hearings for prisoners being held in DeSoto County on *Fugitive from Justice Warrants*; and any other matters as assigned by the Senior Judge serving in Place One.

- (2) The Judge serving in Place One referred to in the aforementioned statute shall, effective January 1, 2009, and thereafter until changed by further order of this Court,

have all duties and responsibilities related in any way to the civil, equity, and criminal jurisdiction of County Court; assignments from the Circuit Court of DeSoto County; and DeSoto County Juvenile Drug Court.

Said Judge shall also be responsible for overseeing the preparation of budgets for the various divisions of the County Court as well as the appointment of Administrators, Designees, Legal Staff and other personnel under the control of the County, Youth and Juvenile Drug Courts of DeSoto County.

(b) Nothing in the aforementioned division of duties and responsibilities shall impede or prevent the exercise of jurisdiction by either Judge in the Division assigned to the other Judge when such exercise of jurisdiction is necessitated by schedule conflicts, emergencies, recusal, and the like, toward the end that the best interests of justice and judicial economy and the interests of the public in the prompt disposition of the business of the Court will be served by each such exercise of jurisdiction.

RULE 2. MOTION PRACTICE

(a) Applicability. The provisions of this Rule apply to all written motions filed in civil actions.

(b) Motions; Filing; Proposed Orders. The original of each motion, and all affidavits and other supporting documents, including any brief or memorandum of authorities, shall be filed with the Clerk where the action is filed. The movant at the same time shall mail a copy thereof to the Court presiding in the action at the Court's mailing address. A proposed Order shall accompany the Court's copy of any motion which may be heard *ex parte* or is granted by consent.

(c) Responses; Rebuttals; Memoranda. If the respondent desires to submit a response to the motion, all responses, affidavits, rebuttals, objections, memoranda, and other supporting documents shall be filed with the Clerk where the action is filed. The respondent shall serve a copy of any response and memorandum of authorities in response, and shall do so within ten (10) days after service of movant's motion and memorandum. Movant desiring to serve a rebuttal and rebuttal memorandum may do so within five (5) days after the service of respondent's response and memorandum.

(d) Length of Memoranda. Movant's original and rebuttal memoranda together shall not exceed a total of thirty-five (35) pages, and respondent's memorandum shall not exceed thirty-five (35) pages.

(e) Notice; Hearings. All motions shall be decided by the Court without a hearing or oral arguments unless otherwise ordered by the Court on its own motion, or in its discretion, upon written motion made by either party. The scheduling of a hearing or oral argument, where allowed, shall be set at such time and place as may suit the convenience of the parties and the Court. The Court may, in its discretion, conduct hearings and oral arguments by telephone conference.

(f) Urgent or Necessitous Matters. Where the motion relates to an urgent or necessitous matter, movant shall, prior to the filing of the motion, contact the Court to whom the action has been assigned, and arrange a definite time and place for the hearing of the motion. In such cases, movant shall endorse upon the motion a separate certificate giving notice to the other parties of the time and place fixed by the Court for hearing on the motion. The Court, upon receipt of the motion, may in its own discretion direct the parties as to the submission of memoranda of authorities for the Court's consideration.

